

PUBLIC NOTICE

**CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

REGULATORY DIVISION
Refer to: P/N # 2003-1T-131-P (Revised)

7 May 2004

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), a revised application has been submitted to the Department of the Army by

**TOWN CREEK TRANSFER FACILITY, LLC
C/O MR. JACK MAYBANK
525 EAST BAY STREET, FLOOR 2
CHARLESTON, SOUTH CAROLINA 29403**

for a permit to change the use of an existing facility and replace the existing mooring buoys in

TOWN CREEK (COOPER RIVER)

at a location between Drum Island and the former City of Charleston landfill at the east end of Romney Street, City and County of Charleston, South Carolina (Latitude: 32.814903°, Longitude: 79.927139°).

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, MAY 24, 2004

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of changing the use of the existing Cooper River Bridge Transfer Facility to allow the use of bulk and break cargo from sources other than that associated with the bridge construction. The existing moorings will be removed and five (5) permanent mooring buoys will be installed. All aspects of the originally advertised work P/N 2003-1T-131-P are the same. The applicant was issued the required Critical Area/Water Quality Permit by SCDHEC/OCRM on August 13, 2003.

The revised proposal specifically relates to the proposed relocation of the current Federal Channel and the proposed reduction of existing channel setbacks. In 1996, Congress authorized the current 250' wide by 16' deep channel, which reduced the original channel dimensions from 500' wide to 250' wide for this reach, essentially reducing the original channel by 125' on each side. The applicant has requested that the Corps consider shifting the current (250') channel westward a distance of 75' from the channel centerline. The new channel would remain within the original (500') channel boundaries.

In addition, the applicant has requested that due to the channel's reduction in dimensions, the required 125' setback from the edge of channel be reduced to 80'. This setback reduction

would apply to the entire reach (both sides of the channel) that was reduced.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact approximately one (1.0) acre of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

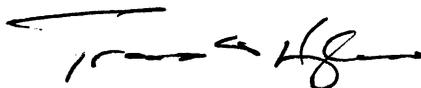
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood

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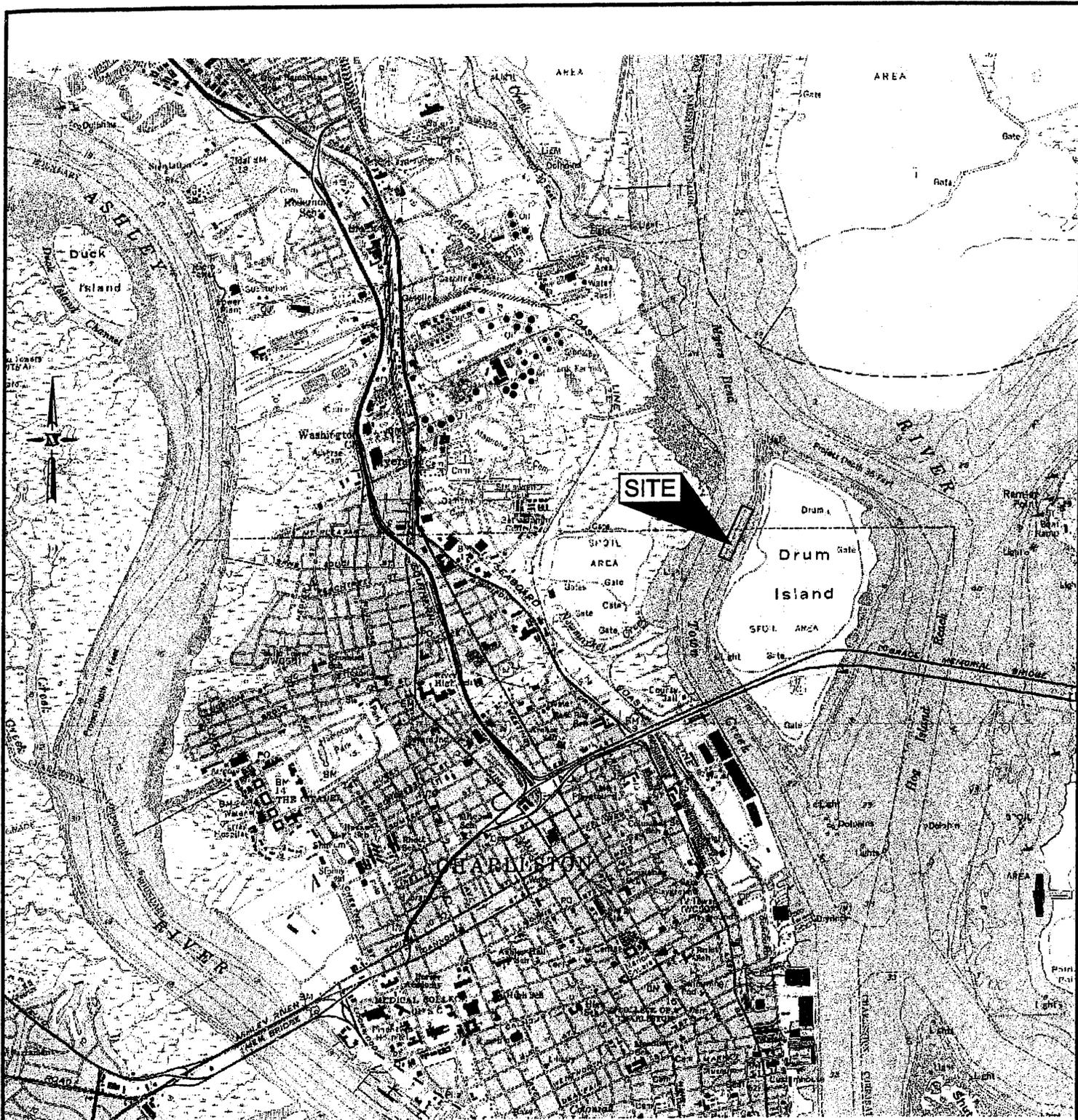
hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.



Travis G. Hughes
Chief, Permits Evaluation Branch
Regulatory Division
U.S. Army Corps of Engineers



PURPOSE: TO PROVIDE PERMANENT MIDSTREAM VESSEL MOORING FOR TRANSFER OF BULK CARGOS IN TOWN CREEK

ADJACENT PROPERTY OWNERS

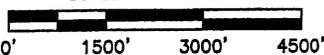
- 1) SOUTH CAROLINA STATE PORTS AUTHORITY
- 2) BEACH COMPANY
- 3) HOLSTON LAND COMPANY

SURVEY DATUM: MLW

FIGURE 1

LOCATION MAP

SCALE: 1" = 3000'



**TOWN CREEK TRANSFER FACILITY MOORING BUOYS
TOWN CREEK TRANSFER FACILITY, LLC
525 EAST BAY STREET, FLOOR 2
CHARLESTON, SC 29403**

PROPOSED: PLACEMENT OF PERMANENT MOORING BUOYS IN TOWN CREEK

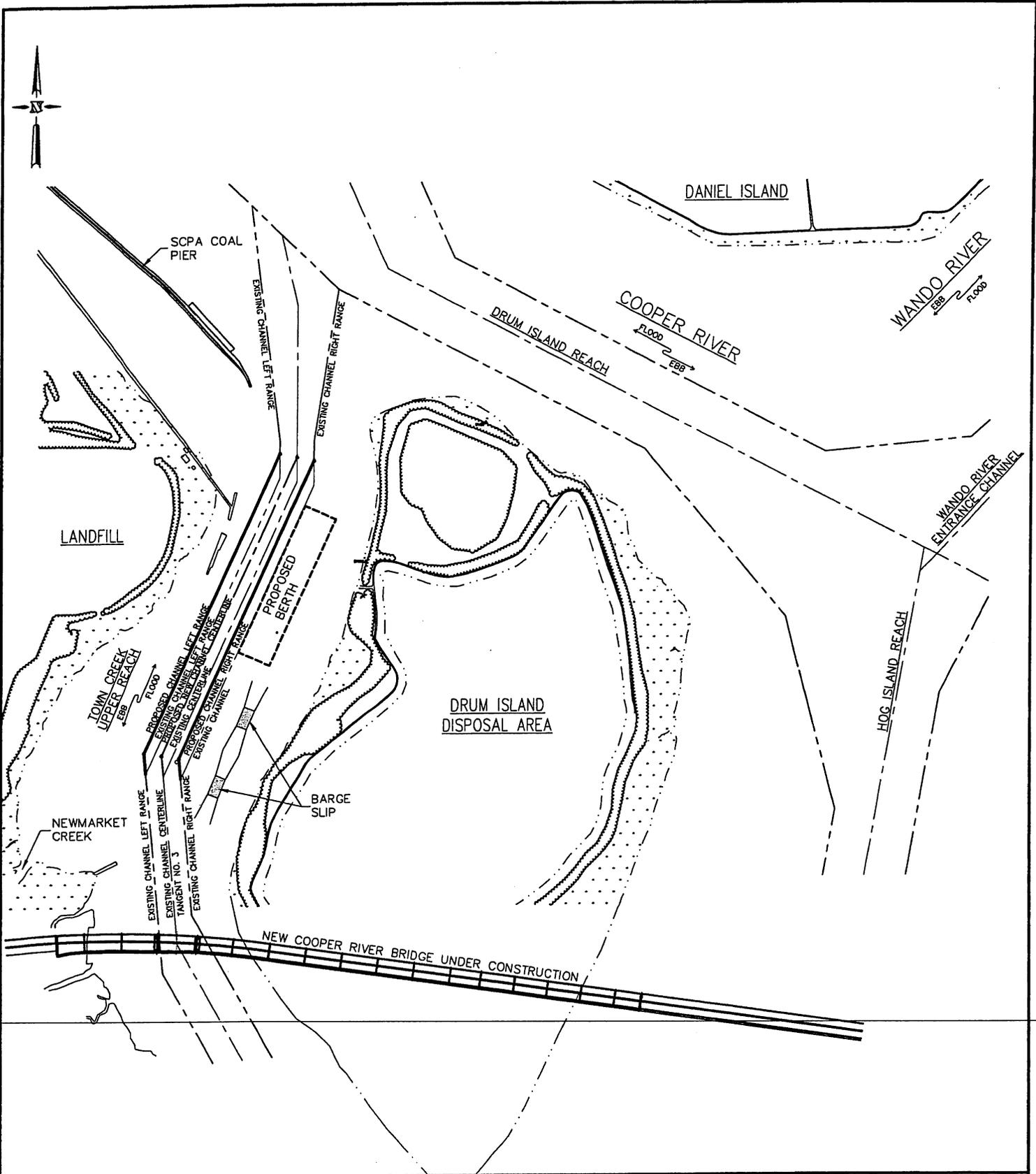
AT: TOWN CREEK

IN: COOPER RIVER

**COUNTY OF: CHARLESTON,
SOUTH CAROLINA**

SHEET: 1 OF 5

DATE: 4/21/04



PURPOSE: TO PROVIDE PERMANENT MIDSTREAM VESSEL MOORING FOR TRANSFER OF BULK CARGOS IN TOWN CREEK

ADJACENT PROPERTY OWNERS

- 1) SOUTH CAROLINA STATE PORTS AUTHORITY
- 2) BEACH COMPANY
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SURVEY DATUM: MLW

FIGURE 2
OVERALL PLAN VIEW

SCALE: 1" = 1000'

TOWN CREEK TRANSFER FACILITY MOORING BUOYS
 TOWN CREEK TRANSFER FACILITY, LLC
 525 EAST BAY STREET, FLOOR 2
 CHARLESTON, SC 29403

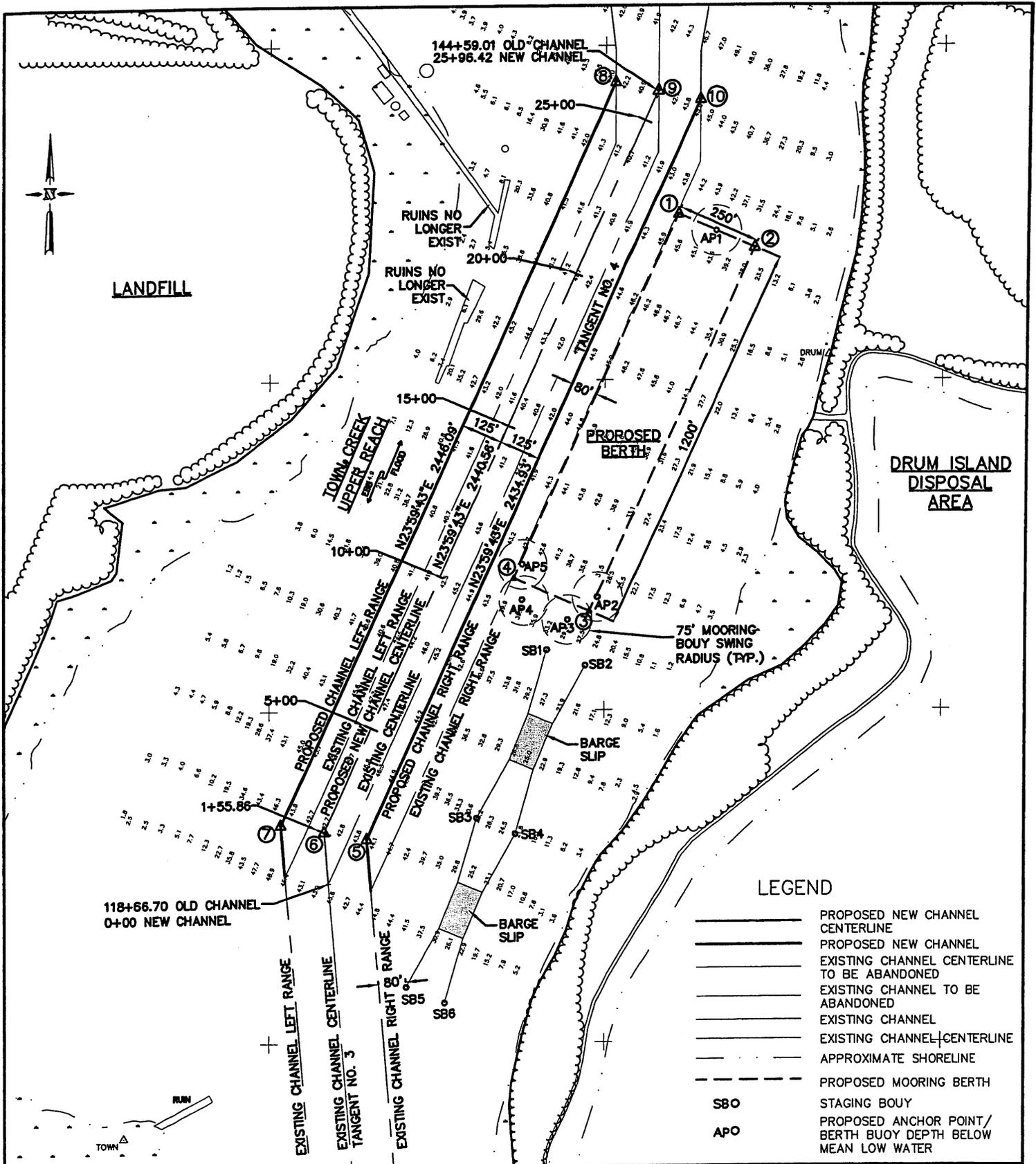
PROPOSED: PLACEMENT OF PERMANENT MOORING BUOYS IN TOWN CREEK

AT: TOWN CREEK

IN: COOPER RIVER

COUNTY OF: CHARLESTON, SOUTH CAROLINA

SHEET: 2 OF 5 **DATE:** 4/21/04



PURPOSE: TO PROVIDE PERMANENT MIDSTREAM VESSEL MOORING FOR TRANSFER OF BULK CARGOS IN TOWN CREEK

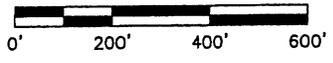
ADJACENT PROPERTY OWNERS

- 1) SOUTH CAROLINA STATE PORTS AUTHORITY
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SURVEY DATUM: MLW

FIGURE 3
DETAILED PLAN VIEW

SCALE: 1" = 400'



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 525 EAST BAY STREET, FLOOR 2
 CHARLESTON, SC 29403

PROPOSED: PLACEMENT OF PERMANENT MOORING BUOYS IN TOWN CREEK

AT: TOWN CREEK

IN: COOPER RIVER

COUNTY OF: CHARLESTON,
 SOUTH CAROLINA

SHEET: 3 OF 5

DATE: 4/21/04

NOTES:

1. Soundings were taken by INNERSPACE 456 FATHOMETER and are expressed in feet and tenths below mean low water.
2. Proposed channel depth16' MLW.....
3. Mean tidal range5.2.....
4. The area shown by this chart (Figure 2) is subject to silting. The actual depth following the date of the survey may be less than the depths shown. These depths were found on10/21/03.....
5. Horizontal Coordinates System: Reference to South Carolina State Grid (NAD 83).
6. No buoys are currently in place.

BERTH COORDINATES		
BERTH	NORTHING	EASTING
1	N 358497.63	E 2329215.50
2	N 358395.96	E 2329443.90
3	N 357299.67	E 2328955.90
4	N 357401.33	E 2328727.51

BERTH BUOY COORDINATES		
BOUY	NORTHING	EASTING
AP1	N 358446.80	E 2329329.70
AP2	N 357343.00	E 2328979.43
AP3	N 357274.32	E 2328889.89
AP4	N 357335.32	E 2328752.86
AP5	N 357442.65	E 2328753.77

CHANNEL COORDINATES		
CHAN	NORTHING	EASTING
5	N 356613.84	E 2328289.41
6	N 356635.33	E 2328162.15
7	N 356656.91	E 2328034.93
8	N 358891.61	E 2329029.66
9	N 358864.97	E 2329154.63
10	N 358838.34	E 2329279.60

STAGING BUOY COORDINATES		
BOUY	NORTHING	EASTING
SB1	N 357183.38	E 2328828.72
SB2	N 357135.45	E 2328944.18
SB3	N 356675.40	E 2328617.86
SB4	N 356627.48	E 2328733.30
SB5	N 356167.43	E 2328406.99
SB6	N 356119.51	E 2328522.44

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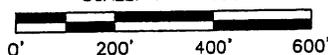
ADJACENT PROPERTY OWNERS

- 1) SOUTH CAROLINA STATE PORTS AUTHORITY
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SURVEY DATUM: MLW

FIGURE 4
NOTES & COORDINATES

SCALE: 1" = 400'



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CHARLESTON, SC 29403

PROPOSED: PLACEMENT OF PERMANENT MOORING BUOYS IN TOWN CREEK

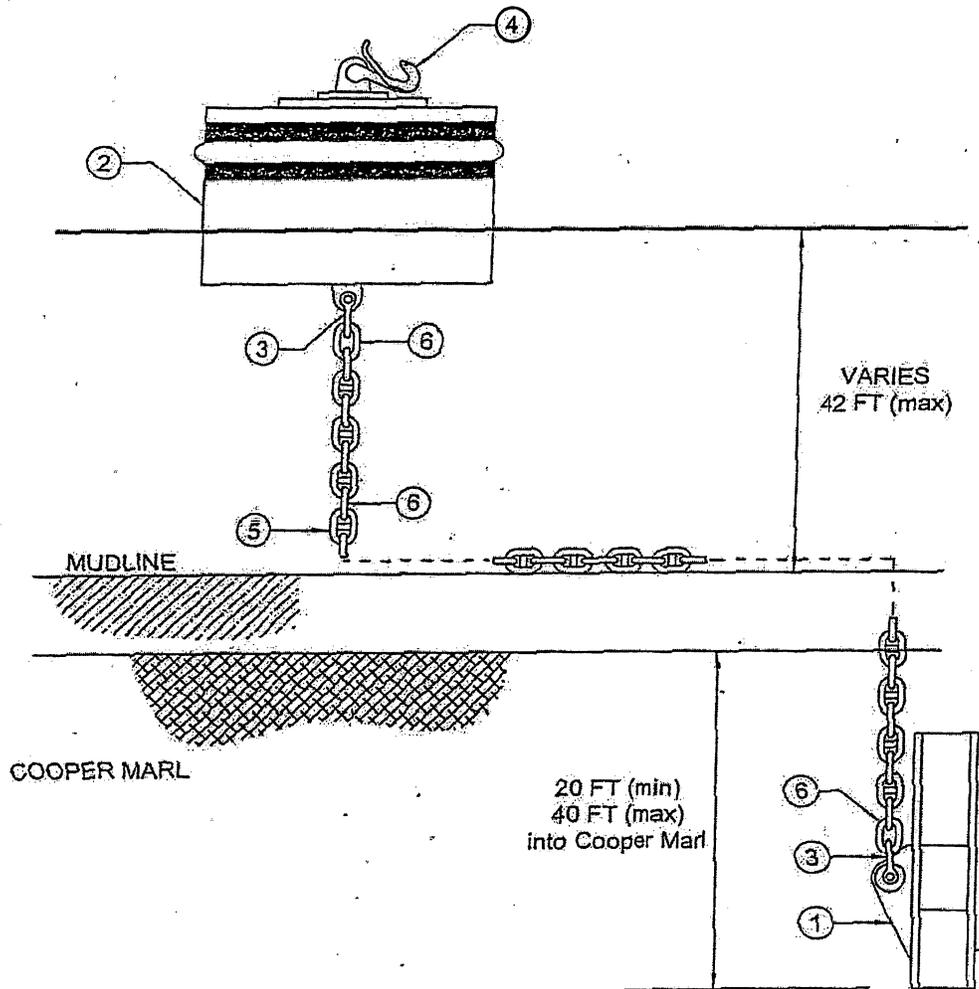
AT: TOWN CREEK

IN: COOPER RIVER

COUNTY OF: CHARLESTON,
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SHEET: 4 OF 5

DATE: 4/21/04



PURPOSE: TO PROVIDE PERMANENT MIDSTREAM
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SURVEY DATUM: MLW

FIGURE 5
BUOY DETAIL

NOT TO SCALE

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PROPOSED: PLACEMENT OF PERMANENT MOORING
BUOYS IN TOWN CREEK

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SHEET: 5 OF 5

DATE: 4/21/04